IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15681 of 2007(P)

PETITIONER:

NISHA.P.NAIR, NON VOCATIONAL TEACHER
IN ENGLISH, S.R.V.N.S.S.V.H.S.S., CHIRAKKADAVU,
THEKKETHUKAVALE P.O.-686 519.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, (GENERAL EDUCATION
DEPARTMENT), DIRECTORATE OF VOCATIONAL HIGHER
SECONDARY EDUCATION, TRIVANDRUM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 15681 OF 2007

Dated this the 24th day of May, 2007

J U D G M E N T

Petitioner while working as a teacher in Government Aided School under the respondent had availed of leave to pursue her studies for the B.Ed course. Her grievance is that she has not been paid service benefits for the period she had availed of the leave. It is contended by the petitioner that the issue is squarely covered in her favour in view of the judgment of this Court in W.P.(C). No.26782/05, a copy of which is on record as Ext.P4. The grievance of the petitioner is that Ext.P6 order has been passed by the respondent without adverting to the dictum laid down in the above judgment.

2. Having heard learned counsel for the petitioner and the learned Government Pleader, I am satisfied that the matter has to be reconsidered by the respondent. Therefore Ext.P6 is quashed. The respondent is directed to reconsider the matter in the light of Ext.P4 judgment. This shall be done as expeditiously as possible, at any rate within a period of two months from the

date of receipt of a copy of this judgment. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007